

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 16, 2006. At the time of the Office Action, Claims 1, 4, 6-40, 42-78, 80-159, and 161-168 were pending in the Application. Applicant amends Claims 1, 4, 12-14, 23-28, 31, 39, 40, 42, 43, 61-66, 77, 80, 89, 101, 106, 112-117, 120, 128, 139, 141-144, 155, 159, 161, and 162 without prejudice or disclaimer. Applicant cancels Claim 78. Additionally Applicant adds new Claims 169-175, which are fully supported by the Application as originally filed. The amendments to these claims are not the result of any prior art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case. Applicant has only made changes to the claims to further clarify this complex Application to Examiner Igor Borissov.

Section 112 Rejection

The Examiner has rejected Claim 78 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has cancelled Claim 78.

Section 103 Rejection

The Examiner has rejected Claims 1, 4, 6-11, 13-17, 19-20, 38-40, 42-49, 51-55, 57-58, 76-78, 80-89, 94, 100-109, 127-136, 154-159, and 161-168 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,285,777 issued to Kanevsky, et al. ("*Kanevsky*"). Independent Claim 1 is patentable over the art of record based on at least the third criterion of obviousness: none of the references alone or in combination teach, suggest, or disclose each and every claim limitation. For example, Independent Claim 1, as currently amended, recites:

storing, in a first database, a first address and a first functional property code associated with a first point to be routed, wherein the first address is the first point of routing a physical object, and wherein the *first functional property code*

describes an intended purpose or property for contents of the physical object routed from the first address;

storing, in a second database, a second address and a second functional property code associated with a second point, wherein *the second functional property code describes an intended purpose or property for contents of the physical object routed to the second address*, wherein the second address describes a second point of routing the physical object, the second point being a requested destination point of the physical object;

storing, in the second database, a third functional property code and a third address associated with the second address, wherein *the third functional property code describes an intended purpose or property for contents of the physical object routed to the third address*, wherein the third address describes a third point of routing the physical object, the third point is a destination point of the physical object if the second functional property code is not compatible with the first functional property code;

obtaining the first address, the first functional property code, the second address, and the second functional property code associated with the physical object;

determining the third address in the electronic processing environment if the first functional property code is not compatible with the second functional property code, wherein the third address reflects a match between the obtained first functional property code and the stored third functional property code associated with the second address

sending the third address to the first point if the first functional property code is not compatible with the second functional property code; and

routing an object to the third point based on the third address.

The transportation network's operability to determine a third address if the first functional property code is not compatible with the second functional property code is now clearly recited in Independent Claim 1 and yet there is nothing in any reference for these teachings. The transportation network can determine a third address for routing a physical object, such that the third address is a different location than the requested second address. Furthermore, the transportation network can determine if the first functional property is

compatible with the second function property. In effect, the transportation network determines when to send a physical object to the third address instead of the second address. Specifically, these elements are circumscribed by Independent Claim 1, but are not found in the cited references.

Additionally, there is no recitation of functional property codes that describe an intended purpose or property for contents of the physical object routed. The Examiner argues that these limitations are disclosed in *Kanevsky*. Applicant respectfully disagrees because *Kanevsky* does not appear to use functional property codes that describe an intended purpose and properties of a physical object: much less determine if a first functional property code is compatible with a second functional property code: much less determine a third address to rout the physical object if the first functional property code and second functional property code are not compatible.

Thus, because of the deficiencies of *Kanevsky* and, more specifically, because there is no disclosure of the elements outlined above, the Examiner has failed to meet his burden imposed by the third criterion of obviousness.

Independent Claims 39, 77, 101, 128, and 155 recite limitations similar, but not identical, to those recited in Independent Claim 1. Therefore, these claims are also allowable, for example, for the same reasons as identified above. Additionally, the corresponding dependent claims from these Independent Claims are also patentably distinct for analogous reasons.

The Examiner also rejects Claims 18-22, 50, 56, 59-60, 90-93, 95-96, 110-111, and 137-138 under 35 U.S.C. § 103(a) as being unpatentable over *Kanevsky* in view of U.S. Patent 6,427,164 issued to Reilly ("*Reilly*"). Claims 18-22 depend from Independent Claim 1, Claims 50, 56, and 59-60 depend from Independent Claim 39, Claims 90-93 and 95-96 depend from Independent Claim 77, Claims 110-111 depend from Independent Claim 101, and Claims 137-138 depend from Independent Claim 128. As discussed above, Applicant believes that these Independent Claims are in condition for allowance. Therefore, for at least the reason that they depend from an allowable Independent Claim, Applicant respectfully requests reconsideration and allowance of dependent Claims 18-22, 50, 56, 59-60, 90-93, 95-96, 110-111, and 137-138.

The Examiner also rejects Claims 23-24, 28-29, 31-32, 36-37, 61-62, 69-70, 74-75, 97, 112-113, 117-118, 120-121, 139-140, 142-145, 147-148, and 152-153 under 35 U.S.C. §

103(a) as being unpatentable over *Kanevsky* in view of U.S. Patent 6,389,455 issued to Fuisz (“*Fuisz*”). Claims 23-24, 28-29, 31-32, and 36-37 depend from Independent Claim 1, Claims 50, 56, 59-60 61-62, 69-70, and 74-75 depend from Independent Claim 39, Claim 97 depends from Independent Claim 77, Claims 112-113, 117-118, and 120-121 depend from Independent Claim 101, and Claims 139-140, 142-145, 147-148, and 152-153 depend from Independent Claim 128. As discussed above, Applicant believes that these Independent Claims are in condition for allowance. Therefore, for at least the reason that they depend from an allowable Independent Claim, Applicant respectfully requests reconsideration and allowance of dependent Claims 18-22, 50, 56, 59-60, 90-93, 95-96, 110-111, and 137-138.

The Examiner also rejects Claims 25-27, 30, 33, 63, 68, 71, 114-116, 119, 122, 141, 146, and 149 under 35 U.S.C. § 103(a) as being unpatentable over *Kanevsky* and *Fuisz*, and further in view of *Reilly*. Claims 25-27, 30, and 33 depend from Independent Claim 1, Claims 63, 68, and 71 depend from Independent Claim 39, Claims 114-116, 119, and 122 depend from Independent Claim 101, and Claims 141, 146, and 149 depend from Independent Claim 128. As discussed above, Applicant believes that these Independent Claims are in condition for allowance. Therefore, for at least the reason that they depend from an allowable Independent Claim, Applicant respectfully requests reconsideration and allowance of dependent Claims 18-22, 50, 56, 59-60, 90-93, 95-96, 110-111, and 137-138.

Accordingly, all of the pending claims have been shown to be allowable as they are patentable over the references of record. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

Allowable Subject Matter

Applicant acknowledges with appreciation that Claims 34-35, 72-73, 98-99, 123-124, and 150-151 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

New Claims

Applicant adds new dependent Claims 169-175, which are fully supported by the Application as originally filed. Applicant requests full consideration and allowance of new Claims 169-175.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,
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